

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

PERRY WELLS,

Defendant.  
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 07/10/2020
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19-CR-212-2 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on April 7, 2020, Mr. Perry Wells moved for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(a), citing his asthma and hypertension and his designation by the Bureau of Prisons as a “high risk” detainee given the COVID-19 pandemic, Dkt. 186;

WHEREAS the Government opposed compassionate release on grounds of lack of exhaustion and on the merits, Dkt. 194;

WHEREAS the exhaustion requirement is no longer applicable because more than 30 days have elapsed since Mr. Wells initially requested relief from the Bureau of Prisons on March 27, 2020, Dkt. 186-2, *see* 18 U.S.C. § 3582(c)(1)(a);

WHEREAS the Court recommended that Mr. Wells seek a furlough from the Bureau of Prisons (“BOP”) and held the motion in abeyance pending such a request, Dkt. 195; and

WHEREAS the BOP has denied Mr. Wells’ request for a furlough, Dkt. 214;

IT IS HEREBY ORDERED THAT Mr. Wells’ motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(1)(a) is denied. Assuming that Mr. Wells’ increased susceptibility to COVID-19 constitutes an exceptional circumstance supporting a reduction in his sentence, the request must nonetheless be denied if the reduction would be inconsistent with the sentencing factors set forth in 18 U.S.C. § 3553(a). *See United States v. Rodriguez*, No. 17-CR-157, 2020

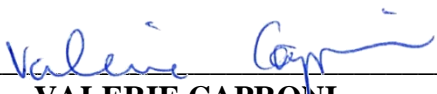
WL 3051443, at \*1 (S.D.N.Y. June 8, 2020). On February 11, 2020, the Court sentenced Mr. Wells to a term of incarceration of 90 months because of the seriousness of his offense, his relatively high culpability within the nine-member conspiracy charged in this case, and the need to convey to Mr. Wells the importance of acquiring a legitimate trade after a lifetime of drug dealing. *See* Hearing Tr. (Feb. 11, 2020) at 21–23. Mr. Wells has been incarcerated since November 14, 2019, when he pleaded guilty; accordingly, he has served only eight months of his 90-month sentence as of the date of this Order. *See* Plea Hearing Tr. (Dkt. 125). While Mr. Wells’ age- and health-related risks are significant considerations, they are not sufficiently serious as to justify a 90% reduction of his sentence.

The Court urges the BOP to transfer Mr. Wells to his designated facility as soon as possible.

The Clerk of Court is respectfully directed to terminate docket entry 186.

**SO ORDERED.**

**Date: July 10, 2020**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**